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FILED  
U.S. DISTRICT COURT

2005 AUG -1 A 10: 54

DISTRICT OF UTAH

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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

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UNITED STATES OF AMERICA,

Case No.2: 04 CR 770 DAK

Plaintiff,

vs.

MOTION FOR LEAVE OF COURT  
TO FILE A DISMISSAL OF THE  
INDICTMENT.

ROBERT WAYNE FISCUS,

Defendant.

Hon. Dale A. Kimball

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The United States Attorney for the District of Utah, pursuant to Fed.R.Crim.P. 48(a), hereby moves for leave of court to file a dismissal without prejudice on the Indictment in the above referenced matter. This request is for good cause and is in the interest of justice.

DATED this 1st day of August, 2005.

PAUL M. WARNER  
United States Attorney

  
KARIN M. FOJTIK  
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the United States Attorney's Office, and that a copy of the foregoing MOTION FOR LEAVE OF COURT TO FILE A DISMISSAL OF THE INDICTMENT was mailed, postage prepaid to all parties named below, this 1st day of August, 2005.

Gary Weight  
PO Box L  
Provo, Utah 84603

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